

## MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that there be a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THIRD ANNIVERSARY OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS

Mr. ALLEN. Mr. President, I rise this afternoon to offer my thoughts on the eve of the third anniversary of the September 11, 2001, terrorist attacks. Rather than show divisiveness and criticism, or talk about politics, I think it is important to reflect on how much that tragedy has changed our lives and challenged all of us—not just Republicans, not just Democrats, but all Americans—to do all that we can to protect all that is good and wholesome about America.

Tomorrow, Saturday, American families will be doing what they have done for generations in the early fall. In Charlottesville, the University of Virginia will be hosting the Tar Heels from North Carolina; in Columbia, SC, the University of Georgia football team will be playing the Gamecocks of South Carolina; in Richmond, Saturday night, there will be more than 100,000 fans there for the big NASCAR race; at the wonderful and traditional Wrigley Field in Chicago, the Cubs will be playing the Florida Marlins; and families, in the afternoon, will be having cookouts in their backyards; others will be gathered as a family at their dinner tables.

During all of these wonderful, truly American events, we will all pause to remember a day when such innocence was shattered by the vile, hate-filled attacks on our homeland that manifested themselves so viciously in New York City, at the Pentagon in Arlington, VA, and in Somerset County, PA. We will remember the loss of 3,000 Americans that day, and we will pray for their souls and certainly pray for their families. We will remember friends and we will remember neighbors lost on that day.

At all of those sporting events, when the National Anthem is sung, I venture to guess that song will be sung with greater vigor, more loudly, and with greater patriotism than one would normally hear. When they conclude those final lines talking about how we are the "land of the free," and because we are the "home of the brave," we will be thinking of our troops who are serving and protecting us in precarious positions in Afghanistan, Iraq, and prosecuting the war on terrorism.

In some ways, September 11, 2001, seems a long time ago. Yet we have done so much in only a few years, and we will continue to do so in the future, to prevent such attacks on America.

Our focus in Government and our private lives has obviously profoundly

changed. We see it with our fortified airports, greater protection in our public buildings, our shipping ports, and even cyberspace.

We have strengthened and updated law enforcement capabilities and intelligence, and our work on the Senate floor in the next few weeks will further enhance those efforts with meaningful improvements and the use of innovations of technology to better gather and analyze counterterrorism information.

We have been more vigilant in watching enemies and threats at home and abroad. We have intercepted financial assistance to terrorists.

Yes, through it all, the fabric of our Nation has become stronger and more appreciated as we face these unprecedented challenges. Our resolve and our focus is more clear. Our determination to protect freedoms here and around the world is greater than ever before.

We are so appreciative of the men and women in uniform who are protecting us, whether in Afghanistan or Iraq or on ships around the world. For our security, they are taking the offensive to the terrorists overseas. We are grateful for those who are active or maybe in the Guard or in the Reserves, or their employers here at home. Of course, we are so grateful to their families who have sent their sons and daughters, their loved ones and their friends overseas to protect us.

Our economic ingenuity, our competitiveness, our strength is being rekindled and reignited by free people and free enterprise. In many ways, those who brought us harm on September 11 surely miscalculated the character of the American people. We are a Nation of bravery and heroism.

I will never forget the stories about the first responders in New York City going into the Trade Centers, breathing their last breaths of life trying to save a few more innocent victims. The same with the Pentagon. The responders came in not only from Arlington but all over northern Virginia, from Maryland, and even some from the District of Columbia, rushing into acrid, toxic air, trying to save those who had been hit, whether on the plane, but mostly those who were the surviving or people working at the Pentagon. These people ignored their personal safety. They rushed into harm's way to help their fellow Americans on that day.

Yesterday, I was at the Pentagon. In fact, I went in through the side of the Pentagon where American Airlines Flight 77 crashed into it. It is all rebuilt. It is strong, in fact stronger than ever. The reason I was at the Pentagon is the Secretary of the Navy, Secretary England, decided to name two new marine landing ships. They are named the USS *Arlington*, because that is where the Pentagon is and was hit, and Somerset after Somerset County, PA, to honor the victims of 9/11 who died in Pennsylvania and Virginia. These two ships will be a tangible demonstration of our shared resolve in this country.

For our friends, neighbors, and loved ones who lost their lives, they will be fitting reminders of their sacrifice.

One of those who lost their lives was a captain of American Airlines Flight 77, Captain Chic Burlingame. He had with him a wonderful poem. It is a poem his brother and sister gave to me. We were making sure he was properly buried at Arlington Cemetery, and I have kept it in my pocket until the Phoenix Project had the rebuilding of the Pentagon. Where I get my neckties and get dressed every morning, I have this picture they gave me. The picture is important, but also what is important is what is on the back of it, and that is a poem Captain Burlingame had on him when they crashed into the Pentagon. It is entitled "I Did Not Die."

I will share the poem with my colleagues.

Do not stand at my grave and weep.  
I am not there, I do not sleep.  
I am a thousand winds that blow,  
I am the diamond glints on snow.  
I am the sunlight on ripened grain.  
I am the autumn's gentle rain.  
When you waken in the morning's hush,  
I am the swift uplifting rush  
Of quiet birds in circled flight.  
I am the soft stars that shine at night.  
Do not stand at my grave and cry.  
I am not there, I did not die.

Tomorrow, we will be coming together, as is our tradition, to be cheering teams, grilling hamburgers and hot dogs, gathering around tables with those we love and those whom we cherish even more and, yes, indeed, we will pause. We will remember. We will never forget.

Three years after that terrible day that changed our lives, America has come back strong. Everything that makes us good is more appreciated than ever. We are resolved more than ever to stand strong for freedom. I am confident that with the wholesome character of our American people, justice will prevail and liberty will endure.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE

Mr. HARKIN. Mr. President, while Congress was in recess, the news media have reported several important studies in the field of wellness and disease prevention. Collectively, these studies are another loud wake-up call. It is time for fundamental change in our approach to health care in the United States.

I have been saying for years that currently we have a sick care system, not a health care system. We have a system that, if you get sick, you get care.

But there is precious little support, incentives or otherwise, to keep you healthy in the first place. We are paying very dearly for this foolish choice of having a sick care system rather than a health care system.

The latest evidence comes from a new study by health economist Kenneth Thorpe. Mr. Thorpe found it cost \$200 billion more in 2000 to treat diseases and conditions in this country than it did in 1987. Just 15 health conditions accounted for a whopping 56 percent of the growth in spending between 1987 and 2000. Indeed, a closer look shows that just five conditions accounted for one-third of the \$200 billion increase: heart disease, pulmonary conditions, mental disorders, cancer, and hypertension. What do all these conditions have in common? In many if not most cases, these conditions are preventable. The Thorpe study also confirmed that chronic conditions, which are responsible for more than 75 percent of all health care expenditures, cost tens of billions of dollars more than just two decades ago.

Diabetes is one of those chronic conditions responsible for the explosion in health care costs. Yet experts agree that the impact of diabetes can be dramatically reduced by encouraging treatment guidelines on diet, exercise, and other preventive measures. The same is true for other chronic conditions. By emphasizing prevention and by following best practices guidelines, we can dramatically reduce health spending.

It is alarming to me that many health experts now predict that the generation of kids growing up today will be the first that does not live longer than their parents' generation. Let me repeat that. Health experts now predict that the generation of kids growing up today will be the first generation that does not live longer than their parents' generation.

As many children return to school this month, there is fresh evidence that we are failing them in terms of wellness and disease prevention. Consider a study released this week by the National Institute for Health Care Research and Educational Foundation. The study found that only 16 percent of kindergarten programs meet recommendations of the Centers for Disease Control and Prevention for daily physical education. Instead, about 60 percent of kindergarten programs offer physical education less than twice a week; 13 percent offer physical education less than once a week. On average, grade school kids spend less than an hour a week in PE classes.

As many of my colleagues know, because of the No Child Left Behind Act and its obsession with testing and preparing for tests, many schools are eliminating recess in the elementary years and further neglecting PE in the middle and senior high school years. Some new elementary schools are being built without playgrounds. Make no mistake; this neglect of physical

education has severe consequences. Obesity has nearly tripled since 1970, and about 16 percent of children are now overweight. However, the study I just mentioned suggested that adding 1 hour of physical education per week could decrease the occurrence of overweight by as much as 10 percent. The study also found that schools with low-income or minority students have a greater likelihood than their peers to have no physical education in kindergarten. This is deeply troubling as these groups are especially at risk for obesity.

On a related note, we received further evidence last month about the potential risk of diabetes and obesity associated with soft drink consumption. A study published in the *Journal of the American Medical Association* shows that women who drink at least one serving of nondiet soda or fruit punch per day have a greater risk of gaining weight and developing type 2 diabetes than women who do not. Women who consume one or more sweetened drinks per day are 83 percent more likely to develop diabetes than those who drink less than one serving per month. During the period of the study, women who drank at least one serving of sweetened drinks per day gained an average of 17 pounds, compared with an increase of only 6 pounds for women who drank less than one serving per month.

So why in the world are we allowing the proliferation of vending machines filled with unhealthy foods and soft drinks in our schools? We are sending all the wrong signals to our kids. We put in all these vending machines with soft drinks up and down the hallways in our schools. It is saying to our kids, not only is that allowable, it is acceptable, it is encouraged that you have a soft drink during the day.

How many parents know—how many people know? Not even parents, how many young people know that one 20-ounce soft drink, sweetened soft drink, Coke, Pepsi, RC, whatever, one 20-ounce drink—that is what you get out of the vending machines now—contains the equivalent of 16 teaspoons of sugar?

I asked someone, you get a 20-ounce Coke or Pepsi—I don't mean to pick on one or the other, but when you get a 20-ounce Coke, you think nothing about drinking it. What if someone measured out 16 teaspoons of sugar into a cup and said: Here, eat this. You would think they were crazy. But they will drink a 20-ounce soft drink that has the same thing in it. And you wonder why people are getting diabetes.

The good news this month is that an additional four States will be offering the Free Fruit and Vegetable Program I started in the farm bill in order to encourage healthier eating habits at the earliest possible age. The bad news is that thousands of schools are continuing to make room for vending machines selling candy, soda pop, and other junk food on school grounds.

We are missing a prime opportunity to reduce the health risks facing our

children by not emphasizing prevention, healthy lifestyles. A new study published in the *Pediatric Journal* found that 10 percent of pediatric patients were obese; however, only half of those patients were noted by the physician to be obese. What this means is we are missing a critical opportunity to diagnose obesity and intervene at the earliest stage—during childhood—when lifestyle changes can be easier to make.

We also have new information from the American Cancer Society. More than a dozen cancers are linked with obesity, and the American Cancer Society estimates that of the 563,000 cancer deaths each year, excess weight is a factor in more than 16 percent of the cases. While overall cancer death rates have decreased over the last few years, we know now that obese men and women are at a major increased risk for colorectal cancer. A postmenopausal woman's risk of breast cancer increases by 30 percent if she is overweight and by 50 percent if she is obese.

We also have new information about high blood pressure, which is a major contributor to heart disease and stroke.

It has skyrocketed over the past decade with almost one-third of adults suffering from hypertension. From 1988 to 1994, there was a 30-percent increase in the incidence of high blood pressure. We know that much of this increase is due to the rise in obesity.

On a variety of fronts, August was not a month of progress for those of us who care about wellness and disease prevention. The various studies I have cited tell us that we are still heading in the wrong direction. Much work needs to be done to transform America's sick care system into a true health care system—a system that keeps us out of the hospital in the first place.

As I have said, again and again, it is time for a new paradigm in American health care, a prevention paradigm. Again, we have a sick care system in this country and we need a genuine health care system focused on wellness and prevention and keeping people out of the hospital in the first place.

To that end, I have introduced legislation, the Help America Act, also known as the Healthier Lifestyles and Prevention Act, S. 2158. And today the Labor, Health and Human Services Appropriations Subcommittee has reported our bill for fiscal year 2005. This year's bill has especially strong emphasis on wellness and prevention programs.

For example, we will be providing \$440 million for research at the National Institutes of Health into the causes and cures of obesity. That is a 10-percent increase over last year.

We have included more than \$50 million in grants to States to fund programs that address nutrition, physical activity, and obesity.

We will provide more than \$114 million for tobacco prevention and cessation activities at the Centers for Disease Control and Prevention. Tobacco use is the single most preventable cause of death and disease in our society today.

Our committee allocated \$35 million for public health research at CDC. This year we are encouraging the Centers for Disease Control and Prevention to pay particular attention to research on business-based wellness programs for employees. We want to identify and disseminate the best practices in this area, and we have asked the CDC to develop a model wellness program for businesses.

Our appropriations bill also includes \$75 million for the Carol White Physical Education for Progress Program, otherwise known as the PEP Program. This provides grants to school districts to expand physical education opportunities for K-to-12 students. Again, bear in mind, as I said, the average public school student gets less than 1 hour of physical education per week, and many get none at all.

Our appropriations bill funds a new School Mental Health Services Program. This will train public school personnel to recognize early warning signs of mental illness, and it will expand student activity to high-quality mental health services.

I would like to add that the bill provides \$2 million to support implementation of the YMCA's new Activate America initiative, which is encouraging cities to develop communitywide approaches to wellness and disease prevention. I am most grateful to the National YMCA for their great leadership in disease prevention, wellness, and health promotion. I am also pleased that our capital city of Des Moines, IA was selected as one of the first cities to participate in this program.

I also want to compliment and commend my chairman, Senator ARLEN SPECTER of Pennsylvania, for his great leadership in getting our bill together and getting it through our subcommittee. All of the items I have mentioned that we are providing for wellness and prevention we have worked on together in a true bipartisan fashion. I thank Senator SPECTER for his leadership and for working to make sure we fund these programs for wellness and prevention.

To sum it up, we are making some progress in advancing a broad, comprehensive wellness agenda here in Congress. With all of the political bickering here on Capitol Hill people sometimes wonder if we are accomplishing anything. The Labor, Health and Human Services appropriations bill takes real, concrete steps to address problems such as obesity and chronic disease—problems that people care deeply about.

Again, I salute the hard work and leadership of Chairman SPECTER. He too cares passionately about issues of wellness and disease prevention. He too

realizes that our current sick care system which gives short shrift to prevention is leading us off a cliff.

I am optimistic. I know we will not get everything done this year. But hopefully we will make progress and we will make more progress next year. What I sense is growing support from both sides of the aisle for a new emphasis on wellness and prevention. I am more and more confident about the prospects for passing the Help America Act in the next Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent for permission to speak in morning business for such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered. We are in morning business.

Mr. ALEXANDER. Thank you, Mr. President.

#### TAXATION OF HIGH-SPEED INTERNET ACCESS

Mr. ALEXANDER. Mr. President, the purpose of my remarks today is to suggest a way to come to a solution in the debate we have been having as to what extent Congress should interfere with State and local regulations and taxation of high-speed Internet access.

In April, after a good many months of discussion, the Senate came to a good temporary compromise on the issue. Our legislation, the Senate legislation, allows States already collecting taxes on Internet access to continue to do so for 2 or 4 years, depending on the type of access tax. It makes clear that State and local governments can continue to collect taxes on telephone services, including telephone calls made over the Internet. Our work here in the Senate modified legislation that came over from the House of Representatives that would have permanently taken away from State and local governments authority to include high-speed Internet access in its taxation plans and would put at risk literally billions of dollars in revenues that States and cities and towns now depend on to pay for police, for schools, for parks, and for other essential local services.

Both sides in this debate have legitimate points to make. We see here a conflict of the principles of federalism in free markets, and I believe it is a debate about whether there is any justification for giving additional government subsidies to the high-speed Internet access industry, which, so far as I can tell, must already be the most heavily subsidized new technology in our country today.

For now, I would respectfully suggest the logical course would be for the House of Representatives to adopt the Senate modification. This would provide temporary certainty in this policy area. But it is an unsatisfactory long-term solution. For the long term, here

is my suggestion. I propose that representatives of States, of cities, of counties, and of the telecommunications industry meet together between now and the opening of the 109th Congress in January and develop a framework to assist Congress with how to approach this highly technical but very important set of issues.

In developing this framework, I suggest the parties ought to abide by the following principles. No. 1, separate the issues of taxation and regulation. This fall, in some preliminary work on legislation proposed by Senator SUNUNU from New Hampshire, the Senate Commerce Committee did just that. They produced a bill regarding the regulation of Internet telephony, but also preserving the right of State and local governments to make their own decisions about how to tax the industry.

Put in its simplest terms, I agree that it makes sense to have a different, simpler kind of regulation of this new technology which we call broadband. But I want to achieve this in a way that does no harm to State and local government revenue bases.

Second, when making decisions about regulation, the principle to honor should be simplicity, so that the new technology can continue to flourish. Voice over the Internet technology is not the same as plain old telephone service. Our regulatory structures need to recognize that.

Finally, when these representatives of industry and State local governments get together, as I hope they will, in determining tax policy, the principles to consider should be simplicity, certainty, and doing no harm to State and local governments.

There are more than 11,000 State and local tax jurisdictions in the United States of America. Obviously, it would be burdensome for a small Internet telephone company who offers services in most or all of these districts to file that many or even more returns. On the other hand, there is no justification whatever that I can see for depriving a State or local government of 5 or 10 percent of its existing revenues simply to exempt an already heavily subsidized industry from paying its fair share of taxes.

The idea of inviting those who will be most affected by our decisions about taxation and regulation to suggest a policy to us is not a new idea. For example, in February of this year, something called the Voice on the Net Coalition announced that a number of VOIP providers would work together to establish voluntary agreements on how to integrate E 9-1-1, access to the disabled, and Government wiretapping, into this next generation of telephone technology.

They might well also consider universal service in this discussion—how we would continue to provide telephone service to people in rural areas with this new kind of technology.

In another example of groups working outside the Congress to make it